

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CRIMINAL APPEAL No 975 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and
MR.JUSTICE A.K.TRIVEDI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
 2. To be referred to the Reporter or not?
 3. Whether Their Lordships wish to see the fair copy of the judgement?
 4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the Civil Judge?

STATE OF GUJARAT

Versus

GITABEN D/O BABULAL BATERLAL KOSHTI

Appearance:

Mr. K.P.Raval, for the appellant.

CORAM : MR.JUSTICE B.C.PATEL and
MR.JUSTICE A.K.TRIVEDI

Date of decision: 03/05/99

ORAL JUDGEMENT

State being aggrieved by an order of acquittal recorded by the learned Addl. Sessions Judge, Ahmedabad City in Sessions Case no.199/98 wherein the accused Geetaben was tried for offences punishable under Secs.306 and 498A of the Indian Penal Code has preferred the present appeal.

It is alleged by the prosecution that on account of taunting and mental torture the deceased committed suicide on 2-12-1992 at about 10.30 a.m. There are contradictory versions with regard to alleged torture. One family member has referred to the demand of dowry which none has stated and there are contradictions about the version. It is required to be noted that no allegations are made against the husband of the deceased or any other member of the family. It is also required to be noted that the accused happens to be sister of husband of the deceased. Looking to the judgment, it appears that on a day prior to the incident there was a quarrel about visiting the Swaminarayan Temple at Gandhinagar. The trial Court has pointed out that there was no apparent cause as alleged but this seems to be the only cause which is alleged. In absence of any evidence with regard to cruelty and torture, it is difficult to accept the prosecution version and to raise a presumption in a case like this. The trial Court has rightly rejected the prosecution version and we are in agreement with the same.

The learned Public Prosecutor has gone through the evidence and could not point out that the trial Court has committed error. It is required to be noted that the trial Court on appreciation of evidence has come to the conclusion. The findings of the trial Court, in the instant case, cannot be said to be perverse or that the view taken by the trial Court is not possible. Hence, no interference is called for. Appeal stands dismissed.

stanley-bcp.